

PATENT
Docket No.: 2354-380 (FF39178/06)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Pera et al.)	
)	
Serial No.	:	10/574,885)	Examiner:
)	Michael A. Belyavskyi
Filed	:	October 8, 2004)	
)	Art Unit:
)	1644
For	:	CELL SURFACE MARKER)	
)	

**DECLARATION OF Martin Frederick Pera
UNDER 37 C.F.R. § 1.132**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Martin Frederick Pera, pursuant to 37 C.F.R. § 1.132, hereby declare:

1. I hold a PhD degree in Pharmacology from the George Washington University.
2. I am Professor of Cell and Neurobiology and Director of the Eli and Edythe Broad Center for Regenerative Medicine and Stem Cell Research at the University of Southern California.
3. I am a co-inventor of the above-identified patent application.
4. I hereby certify that the hybridoma which produces a GCTM-5

antibody has been deposited, under the terms of the Budapest Treaty, with the European Collection of Animal Cell Cultures (ECACC) Health Protection Agency, Porton Down, Salisbury, Wiltshire, SP40JG, United Kingdom, under Accession No. 03101603. This deposit was made on October 16, 2003 (see Attachment A [evidence of deposit]). All restrictions imposed by the depositor on the availability to the public of the deposited materials will be irrevocably removed as of the issue date of the above-identified patent application as a patent, pursuant to the conditions of 37 C.F.R. § 1.808.

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5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

17 Sept 09
Date


Martin Frederick Pera

Exhibit A: Evidence of Deposit



ECACC



Health Protection Agency, Porton Down and European Collection of Cell Cultures

This document certifies that
Hybridoma GCTM-5
Deposit Reference 03101603

has been accepted as a patent deposit, in accordance with
The Budapest Treaty of 1977,
with the European Collection of Cell Cultures on
16 October 2003

.....
ECACC Patent Supervisor

Health Protection Agency Culture Collections, Centre for Emergency Preparedness and Response, Porton Down, Salisbury, SP4 0JG, United Kingdom
☎ +44 (0) 1980 612512 ☎ +44 (0) 1980 611215 ✉ hpcultures@hpa.org.uk www.hpacultures.org.uk



BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

TO

DR M F

PERA

INTERNATIONAL FORM

BIOTROPHIX PTY LTD

MONASH INSTITUTE OF REPRODUCTION

AND DEVELOPMENT, MONASH UNIVERSITY

246 CLAYTON ROAD

CLAYTON VICTORIA

3168

AUSTRALIA

NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

GCTM-5

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

03101603

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:



A scientific description



A proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I above,
which was received by it on 16 October 2003 (date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International
Depository Authority on (date of the original deposit) and
A request to convert the original deposit to a deposit under the Budapest Treaty
was received by it on (date of receipt of request for conversion)

IV. INTERNATIONAL DEPOSITORY AUTHORITY

Name: ECACC Patent Supervisor
Address: European Collection of Cell cultures
(ECACC)
Centre for Emergency Preparedness
and Response
The Health Protection Agency
Porton Down
Salisbury SP4 0JGSignature(s) of person(s) having the power
to represent the International Depository
Authority or of authorized official(s):

Date: 20/06/04

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depository
authority was acquired

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO
DR M F PERA
BIOTROPHIX PTY LTD
MONASH INSTITUTE OF REPRODUCTION
AND DEVELOPMENT, MONASH UNIVERSITY
246 CLAYTON ROAD
CLAYTON VICTORIA
3168
AUSTRALIA

VIABILITY STATEMENT
Issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

NAME AND ADDRESS OF THE PARTY
TO WHOM THE VIABILITY OF STATEMENT
IS ISSUED

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: DR M F PERA BIOTROPHIX PTY LTD MONASH INSTITUTE OF REPRODUCTION AND DEVELOPMENT, MONASH UNIVERSITY</p> <p>Address: 246 CLAYTON ROAD CLAYTON VICTORIA 3168 AUSTRALIA</p>	<p>Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: 03101603</p> <p>Date of the deposit or of the transfer: 16 October 2003</p>
II. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under II above was tested on 16 October 2003¹. On that date, the said microorganism was</p> <p><input checked="" type="checkbox"/> ¹ viable</p> <p><input type="checkbox"/> ² no longer viable</p>	

- 1 Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most relevant date (date of the new deposit or date of the transfer).
- 2 In the cases referred to in Rule 10.2 (a) (ii) and (iii), refer to the most recent viability test.
- 3 Mark with a cross the applicable box.

Form BP/4 (first page)

IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED ⁴		
The Patent Deposit GCTM-5 Accession Number 03101603 was tested for viability using the Trypan Blue Dye Exclusion Method and a Haemocytometer. The cells were 97% viable at resuscitation. They were seeded at 6.5×10^5 cells/ml and showed good growth after 48 hours.		
II. INTERNATIONAL DEPOSITARY AUTHORITY		
Name:	ECACC Patent Supervisor	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
Address:	European Collection of Cell cultures (ECACC)	
	Centre for Emergency Preparedness and Response	
	The Health Protection Agency	
	Porton Down	
	Salisbury SP4 0JG	Date: 20/08/06 ES

⁴ Fill in if the information has been requested and if the results of the test were negative.

Form BP/9 (second and last page)